

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC MEDICINE,)
on behalf of itself, its member organizations, their)
members, and these members' patients;)
AMERICAN ASSOCIATION OF PRO-LIFE)
OBSTETRICIANS AND GYNECOLOGISTS,)
on behalf of itself, its members, and their patients;)
AMERICAN COLLEGE OF PEDIATRICIANS,)
on behalf of itself, its members, and their patients;)
CHRISTIAN MEDICAL & DENTAL)
ASSOCIATIONS, on behalf of itself, its members)
and their patients; **SHAUN JESTER, D.O.,** on)
behalf of himself and his patients; **REGINA**)
FROST-CLARK, M.D., on behalf of herself and)
her patients; **TYLER JOHNSON, D.O.,** on)
behalf of himself and his patients; and **GEORGE**)
DELGADO, M.D., on behalf of himself and his)
Patients,

Case No. 2:22-cv-00223-z

Plaintiffs,

v.

U.S. FOOD AND DRUG ADMINISTRATION;)
ROBERT M. CALIFF, M.D., in his official)
capacity as Commissioner of Food and Drugs, U.S.)
Food and Drug Administration; **JANET**)
WOODCOCK, M.D., in her official capacity as)
Principal Deputy Commissioner, U.S. Food and)
Drug Administration; **PATRIZIA CAVAZZONI,**)
M.D., in her official capacity as Director, Center for)
Drug Evaluation and Research, U.S. Food and Drug)
Administration; **U.S. DEPARTMENT OF**)
HEALTH AND HUMAN SERVICES; and)
XAVIER BECERRA, in his official capacity as)
Secretary, U.S. Department of Health and Human)
Services,)

Defendants.

**MOTION OF THE CHATTANOOGA NATIONAL MEMORIAL FOR THE UNBORN FOR LEAVE TO
FILE A BRIEF AS AMICUS CURIAE IN SUPPORT OF PLAINTIFF’S COMPLAINT AND MOTION FOR
TEMPORARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 7, movant – and prospective *amicus curiae* – the Chattanooga National Memorial for the Unborn (“NMU”) hereby respectfully moves the Court to waive the requirements of Local Rule 83.10(a) to obtain local counsel who resides or has a principal office located within 50 miles of the courthouse.

In support of this Motion, NMU would show the Court that it is a Tennessee non-profit corporation who is dedicated to healing the pain associated with the loss of aborted children and to provide education and information about the abortion process and its consequences. As part of that mission, NMU seeks this Court’s leave to file an *amicus* brief in support of Plaintiff’s Complaint (Doc. 1) and Plaintiff’s Motion for Temporary Injunction (Doc. 6) because important issues concerning the absence of any safeguards in the FDA’s currently proposed regimen to identify ectopic pregnancies presents a startling risk to the health and safety of women in our nation.

Good cause exists to grant NMU’s request for a waiver from Local Rule 83.10(a). NMU will only file a motion for leave to file an *amicus* brief, which this Court almost certainly will decide on the documents, without a hearing. Given NMU’s minimal participation in this case, local counsel would be unnecessary. Should the Court request it to do so, NMU will attend hearings and obtain local counsel. For the foregoing reasons, Movant, the Chattanooga National Memorial for the Unborn respectfully requests that this Court enter an order waiving Local Rule 83.10(a)’s local counsel requirement for purposes of a motion for leave to file an *amicus curiae* brief.

Respectfully submitted, this 9th day of January, 2023.

SAMPLES, JENNINGS, CLEM & FIELDS, PLLC

By: /s/ Michael S. Jennings
Michael S. Jennings, BPR 11010

By: /s/ Darald J. Schaffer
Darald J. Schaffer, BPR 029375

130 Jordan Drive

Chattanooga, Tennessee 37421

Telephone: 423-892-2006

Facsimile: 423-892-1919

Email: mjennings@sampleslaw.com

Email: dschaffer@sampleslaw.com

*Counsel for Movant the Chattanooga National
Memorial for the Unborn*

CERTIFICATE OF SERVICE

I certify that this document will be served on all defendants via ECF and via first class

United States mail and email to:

General Counsel Samuel R. Bagenstos
U.S. Department of Health and Human Services
200 Independence Ave., S.W., Room 713-F
Washington, D.C. 20201
Samuel.Bagenstos@hhs.gov

Isaac Belfer
U.S. Department of Justice
Civil Division, Consumer Protection Branch
950 Pennsylvania Ave., M.W.
Washington, D.C. 20530
Isaac.c.belfer@usdoj.gov

Erik C. Baptist, Esq.
440 First Street, N.W.
Suite 600
Washington, D.C. 20001
ebaptist@ADFlegal.org

This 9th day of January, 2023.

SAMPLES, JENNINGS, CLEM & FIELDS, PLLC

By: /s/Darald J. Schaffer
Darald J. Schaffer